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CURRENT TOPICS

The Lord Chief Justice

THE resignation of LORD CALDECOTE from his high office as Lord Chief Justice of England has been received with regret by the legal profession. It is to be hoped that improving health will permit him soon to resume public activities and lend his wealth of knowledge and experience to the public service. He is sixty-nine years of age and was called to the Bar by the Inner Temple in 1899. Fifteen years later he took silk. During the last war he served in the Naval Intelligence Division of the Admiralty, and in 1918 he was head of the Naval Law Branch at the Admiralty. During that year and 1919 he was the representative of the Admiralty on the War Crimes Committee. He was Solicitor-General from 1922 to 1928, with a few months' interval in 1924, and Attorney-General in 1928–29 and 1932–36. From 1936 to 1939 he was Minister for Co-ordination of Defence and in 1939 became Secretary of State for the Dominions. In 1939–40 he filled the office of Lord Chancellor and since 1940 he has been Lord Chief Justice. His place as Lord Chief Justice is taken by LORD GODDARD, who has six years' experience as a Judge of the High Court (1932–38) and a further six years as a Lord Justice of Appeal (1938–44). Since 1944 he has been a Lord of Appeal in Ordinary. His name became well known to the general public in 1943, when he presided over the inquiry into the Hereford birching case. Lawyers, however, have long known him as one of our best judges, with a wide and profound knowledge of the law and a shrewd and incisive intellect.

The Bar Resolution and the Nuremberg Trial

"THE man in the 'bus, tube and train," has approved of the Bar Council's recent resolution that "it is undesirable that a member of the English Bar should appear for the defence of war criminals accused before the international military tribunal at Nuremberg." This was one of the arguments used by the Attorney-General in his speech at the annual general meeting of the Bar, on 18th January. What is the attitude of lawyers on this much-debated question? The answer was given at the meeting of the Bar when by a big majority two resolutions disapproving of the Bar Council's resolution were defeated. The argument against the resolution of the Council was well put by Serjeant Sullivan, K.C., Mr. Harvey Moore and Mr. C. Binney, that it was contrary to the spirit of the Bar and British justice. On the other hand Sir Donald Somervell, K.C., Sir Patrick Hastings, K.C., Mr. D. N. Pritt, K.C., Mr. Gilbert Beyfus, K.C., Mr. Gilbert Paull, K.C., and Mr. H. U. Willink, K.C., all put forward their reasons for supporting the Bar Council's resolution. A most forcible and eloquent speech was made by Sir Patrick Hastings. "What is the good of talking rubbish about the independence of the Bar?" he asked. "I want my profession to be respected as it always has been. Do you think that Edward Carson would have gone across to Nuremberg for any fortune in the world? Of course he would not. Would Edward Clarke or Rufus Isaacs have gone? Would any of them have gone?" Another noteworthy speech was that of Mr. H. U. Willink, who said that nothing could be more undesirable just after victory than that members of the English Bar, having no professional duty to do so, should cause a grave international complication which would undoubtedly have arisen as between this country and countries like Belgium, Holland, France and Russia, who had suffered from the men in the dock at Nuremberg. There is, indeed, no duty on the Bar to defend these criminals. The English lawyers who attend as judges and prosecutors are there not as English judges and lawyers, but as English Government representatives, as was pointed out by another speaker. There is adequate arrangement for the defence of the people by German lawyers. They are the only persons qualified to argue that Germans did not wage an aggressive war.

Legal Aid

THE latest news on the subject of legal aid comes in a statement by the Attorney-General at the annual general meeting of the Bar on 18th January. He said that it was hoped in the fairly near future to introduce a Bill providing better facilities for legal aid. The Government had indicated that they supported the principles of the Rushcliffe report, and The Law Society had been asked to prepare an administrative scheme. Consultations had been taking place between The Law Society and the Bar Council, and he understood that those consultations were nearly complete. In the present House of Commons there was a strong representation of the Bar on both sides, and he hoped that in the next few years they would be able to introduce some of those reforms and improvements in our laws and legal procedure for which the profession had asked and which would not give rise to any political division. The attitude of the Bar Council to legal aid may also be gathered from its annual statement for 1945, where its reply to The Law Society's memorandum, dated 1st December, 1944, is quoted: "The Bar will co-operate in this or any other scheme which may be adopted by the Legislature to the fullest extent possible consistently with adherence to the duties and practice of the Bar." The statement also contains the information that following the Rushcliffe Committee's report there was a further joint meeting with The Law Society at which these matters were discussed "with a view to an arrangement satisfactory both to the Bar and The Law Society being brought about" and the meeting ended with agreement as to the points to be submitted

to and, if necessary, discussed with the Government authorities concerned. The profession as a whole will view with satisfaction the promptitude with which all concerned have acted in this urgent matter.

Dr. W. W. Buckland

MANY solicitors who studied law at Cambridge will regret the passing of a great Cambridge lawyer and don, Dr. W. W. BUCKLAND, LL.D., F.B.A., President of Gonville and Caius and Emeritus Regius Professor of Law at Cambridge, at the age of eighty-seven. His was indeed a full life. His earliest interest was engineering, which he studied at the Crystal Palace School of Engineering before he went to the college of which he later was President, in order to study law. In 1884 he was placed first in the first class of the then undivided Law Tripos, and was elected a scholar of his college. In the following year he won the Chancellor's medal, and in 1887 he was made a fellow of his college. Two years later he was called to the Bar by the Inner Temple. He became Regius Professor of Civil Law in 1914 and President of Gonville and Caius in 1923. A man of great intellectual capacity and industry, he exacted high standards from his pupils, and it is to teachers of such a calibre that pupils look with gratitude in later life. Among his services to students and the legal profession generally it is worth recalling that he collaborated with Mr. R. F. Wright, of Christ's College, in producing a second edition of Finch's " Cases on Contracts," but he will be better known and remembered for his numerous and authoritative works on Roman Law. Most notable and most recent is his work entitled " Some Reflections on Jurisprudence," which has just been published by the Cambridge University Press, in which he showed that he was no theorist, but capable of grappling with realities. " Law," he said in that work, " is order and civilisation, and the disregard of it may set an example leading to ' red ruin and the breaking up of laws.' It is an ordinary question of morals." He received the Honorary Degree of D.C.L. from Oxford, and other honorary degrees from universities at Edinburgh, Lyons, Louvain and Paris. In 1920 he was elected a Fellow of the British Academy.

Compensation for Requisitioning : Progressive Rent

A CASE under the Compensation (Defence) Act, 1939, reported in the issue of the *Estates Gazette* of 29th December, 1945, indicates the method which the district valuer may adopt in his assessment of a fair rental value on the terms of s. 2 (1) (*a*) of the Act, and also seems to show that a claim for increasing compensation corresponding with an increasing or progressive rent in the lease in existence at the date of requisitioning will be difficult to support. The lease was for ten years and eighty-six days from 5th July, 1937, at a rent of £65 for the first five years and eighty-six days, rising in September, 1942, to £80 per annum for the remaining five years. There had been some correspondence between the claimants, the Iron and Steel Trades Confederation, and the authority during which the compensation rent was first agreed at £65, but later, when the rent under the lease rose to £80, the claimants asked the authority to raise the rent to a corresponding amount. The authority refused to do this. The claimants contended that there was no concluded agreement to pay £65. The district valuer stated that he did not pay a great deal of regard to the lease in fixing £65 as the fair rental value, but he had inspected the premises and his assessment was based on his knowledge of the district. He was not concerned with rising rent, for it had to be assessed as at the date of the requisitioning. Counsel for the authority also pointed out that the authority did not become subtenants on the basis of the existing lease. Unless the terms of the existing lease were exactly the same as the obligations under s. 2 (1) (*a*), a rent which was fair under the lease would not be fair under s. 2 (1) (*a*). It could only be pure coincidence that the district valuer had arrived at a figure of £65 per annum. He also argued that there had been a concluded agreement, for nobody had gone into the box on behalf of the claimants to say that the £65 was accepted only until September, 1942. The Tribunal awarded the claimants compensation at the rate of £65 per annum and ordered the claimants to pay the authority's taxed costs.

Copies of Ordnance Survey Maps

A USEFUL innovation in the practice of the Ordnance Survey Office has been instituted as a result of discussions between the Council of The Law Society and the Director General of the Ordnance Survey. A solicitor may now apply, on a form of application which accompanied the December issue of the *Law Society's Gazette*, for a licence valid for one year or five years, to reproduce parts of ordnance survey maps by means of hand tracings, for use solely for office purposes in the ordinary course of business. The composition fee is 5s. for one year, and 25s. for five years. It is not always realised, according to the *Gazette*, that the copyright in ordnance survey maps is vested in the Crown, and that the permission of the Ordnance Survey Office must be obtained before anyone can make (*a*) a copy of the map ; (*b*) an extract from the map ; or (*c*) a copy of any copy of, or of any extract from, the map. It is stated that where twenty years ago a property was conveyed by reference to a plan extracted from the ordnance survey map, it is a breach of copyright for a solicitor, in connection with a dealing with the property to-day, to copy the plan on the old deed for such purposes as preparing the contract or abstract of title or making an official search, unless the permission of the Ordnance Survey has first been obtained. The normal charge is 2s. per copy (with a minimum fee of 2s. 6d.) in respect of every extract or copy made. The new procedure will dispense with the trouble and inconvenience of making separate applications to the Ordnance Survey Office for permission to reproduce copies.

National Records

DURING the war which has just ended the British Records Association did yeoman work in the preservation of historical documents and manuscripts, and with this work the name of the Master of the Rolls, LORD GREENE, has long been closely associated. That the need for continued work in this important cause has not been lessened by the end of the war was the theme of a letter from Lord Greene to *The Times* of 29th December, 1945. He wrote that the compilation of a national register of archives by the Historical Manuscripts Association under a directorate representing the Commission and the British Records Association has now been authorised by the Treasury and work upon it has already begun, but it cannot be effective without widespread voluntary co-operation. After enumerating the many factors which still endanger the preservation of important documents, notwithstanding the end of the war, his lordship stressed the need for a single homogeneous list or register of archives, and he appealed for the help and goodwill of all those who have made research in local antiquities or who have special knowledge of their own neighbourhood. The different kinds of help needed will include the discovery of small accumulations of archives, such as deeds, letters, diaries or household accounts in private hands, and of the early records of old-established businesses. The aid of volunteers with enthusiasm and local knowledge, as well as of the owners themselves, is required, his lordship wrote, and when helpers are forthcoming some sort of local organisation will be required. The directorate are shortly to approach the various county authorities and learned societies and ask for their aid. We have no doubt that solicitors, who have custody of so many records which are valuable from a national point of view, will not fail to answer Lord Greene's appeal for enthusiastic assistance.

Lord Justice MacKinnon

ON going to press we learn with regret of the death of LORD JUSTICE MACKINNON. An appreciation will appear in our next issue.

Recent Decisions

In *Minister of Pensions* v. *Nugent*, on 14th January (*The Times*, 15th January), DENNING, J., held, allowing an appeal by the Minister of Pensions from the decision of the Pensions Appeal Tribunal, that the right interpretation of s. 1 (2) of the Pensions (Mercantile Marine) Act, 1942, was that it did not apply to injuries sustained by mariners or other seafaring persons in the propinquity of the sea, but he was satisfied that the Legislature had in mind injuries which had been sustained at sea or in any other tidal water or in a harbour. His lordship therefore held that the tribunal's decision was wrong in law that an auxiliary coastguard who collapsed while on shore duty owing to exposure and the exacting nature of his duty was entitled to a pension owing to his disablement being directly attributable to a war risk injury as defined in s. 12 of the Pensions Appeal Tribunals Act, 1943, and s. 1 of the Pensions (Mercantile Marine) Act, 1942, amending the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939.

In *Hawtrey* v. *Beaufront, Ltd.*, on 14th January (*The Times*, 15th January), CROOM-JOHNSON, J., held that the words in a tenancy agreement "until such national emergency . . . shall have terminated" must be construed as part of the language used to express the intention of the parties that the agreement was to be for the duration of the war, and that the landlord had therefore a right to determine the tenancy by one month's notice under the Validation of War-Time Leases Act, 1944, s. 1 (1). His lordship further held that, if he was wrong on that point, the words "or such other declaration by the Government that the national emergency no longer exists" must be treated as satisfied by the broadcast statement of the Prime Minister on 8th May, 1945. His lordship further held that the notice to quit was good although addressed to the directors of the tenant company and not to the company, as any business people would see that the notice was addressed to the directors, not as tenants, but as persons who must act on behalf of the company.

In *De Yong* v. *Shenburn*, on 16th January (*The Times*, 17th January), the Court of Appeal (THE MASTER OF THE ROLLS, DU PARCQ and TUCKER, L.JJ.) held that where an actor employed to take part in a pantomime left articles belonging to him in the dressing room of the theatre at which he was employed, there was no ground for implying a term in his contract of service that his employer should take precautions to ensure the safety of his servant's property or such of it as was reasonably necessary for the servant in doing his employer's work. The allegation of bailment had been abandoned.

In *Somershield* v. *Robin*, on 17th January (*The Times*, 18th January), the Court of Appeal (the MASTER OF THE ROLLS, DU PARCQ and TUCKER, L.JJ.) held that a county court judge had no jurisdiction to try an action for possession of a house let furnished at a rent amounting to £273 a year, having regard to s. 48 (1) of the County Courts Act, 1934, which provides that a county court shall have jurisdiction to hear and determine any action for the recovery of land where neither the value of the land in question nor the rent payable in respect thereof exceeds the sum of £100 by the year. Their lordships held that the county court judge had no right to apportion the rent as between the house and the furniture, the rent being unquestionably over £100 a year ("Foa on Landlord and Tenant," 6th ed., p. 123).

In *Neale* v. *Jennings*, on 18th January (*The Times*, 19th January), the Court of Appeal (SCOTT, MACKINNON and MORTON, L.JJ.) held in a case where a rector with a house of twenty-two rooms, nineteen of which were furnished, sought possession of a cottage, that following *Bishop of Gloucester* v. *Cunnington* [1943] 1 K.B. 101, the county court judge's finding of fact was right that the cottage was not necessary for the convenient occupation of the rectory within s. 59 of the Pluralities Act, 1838, and that the cottage, therefore, came within the Rent Restriction Acts, and that in any case, the county court judge's finding of fact was *prima facie* conclusive.

COMPANY LAW AND PRACTICE

SOME WAR-TIME DECISIONS—I

Now that some of us are returning to the practice of the law, I thought that it might be of interest to give in this column a rapid review of the 1939–45 reports, so far as they concern company law, and I propose to do so in this and my next article.

No one can now be in any doubt that a company is a separate legal person, but there are a number of decisions which illustrate this proposition. Its domicil is the country of its registration, and that domicil of origin clings to it throughout its existence (*Gasque* v. *Commissioners of Inland Revenue* [1940] 2 K.B. 80). A company can sue for slander and without proof of special damage when the slander relates to its trade or business (*D. & L. Caterers, Ltd.* v. *D'Ajou* [1945] 1 All E.R. 563). Similarly it can be sued for libel and may refuse to answer interrogatories on the ground that the answer would tend to criminate it (*Triplex Safety Glass Co., Ltd.* v. *Lancegaye Safety Glass* (1934), *Ltd.* [1939] 2 K.B. 395). In regard to criminal proceedings a company may be indicted for common law conspiracy to defraud (*R.* v. *I.C.R. Haulage, Ltd.* [1944] K.B. 551), and may also be prosecuted for offences under the Defence (General) Regulations, e.g., making a statement which it knew to be false in a material particular (*Director of Public Prosecutions* v. *Kent & Sussex Contractors, Ltd.* [1944] K.B. 146). In this case the information referred to the company as "they."

One of the grounds on which the court can confirm the alteration of the objects of a company is to enable it to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company (Companies Act, s. 5). The court will not confirm an alteration under this head if the company is not at the time carrying on business, even if it intends to start doing so again, and for this purpose the mere collecting of debts previously incurred did not constitute carrying on business (*Re Drages, Ltd.* [1942] 1 All E.R. 194). In *Re E. K. Cole, Ltd.* [1945] All E.R. 521, a suggestion was made that in future when an application to confirm an alteration of objects was made and the objects clause of the memorandum contained the sub-clause saying that each object set out was an independent object of the company the court might impose as a term of its granting confirmation a limit to the operation of this sub-clause.

With regard to articles of association, in the first place the court has no power to rectify articles in the same way as it has power to rectify a deed (*Scott* v. *Frank F. Scott (London), Ltd.* [1940] Ch. 774). Dealing next with questions of construction, the Court of Appeal refused to upset the rule, now long established, that it is not necessary in the case of articles in the form of Table A of 1862 to serve notice of meetings on shareholders who have chosen to reside outside the United Kingdom (*Re Warden & Hotchkiss, Ltd.* [1945] Ch. 270). Where the articles entitle members to a separate share certificate for any part of the shares they hold this does not mean they can only choose how many certificates they require at the time they obtain the shares but can at any time that they are members of the company require to have their certificates split (*Sharpe* v. *Topham, Ltd.* [1939] Ch. 373). A provision in articles that the minutes of any meeting, if purporting to be signed by the chairman, should be conclusive evidence without any further proof of the matters therein stated is a valid one, and accordingly a shareholder in an action against the company cannot, unless he can show that the minutes were fraudulently written up, call evidence inconsistent with the minutes (*Kerr* v. *John Mottram, Ltd.*

[1940] Ch. 657). A person claiming protection under art. 88 of Table A is entitled to the protection if he had no notice of the irregularity, even if it had been discovered by others (*Kaussen* v. *Rialto (West End), Ltd.* [1944] Ch. 346). Lastly, on this topic, even though a company cannot be prevented by contract from altering its articles and so giving itself power to act on the provisions of the altered articles, to do so may be actionable if it is contrary to a stipulation in a contract validly made before the alteration (*Southern Foundries* (1926), *Ltd.* v. *Shirlaw* [1940] A.C. 701).

There are a number of cases dealing with the position of directors. The nature of their fiduciary position towards the company is discussed in *Regal (Hastings), Ltd.* v. *Gulliver* [1942] 1 All E.R. 378. Retiring directors, if new directors are not elected, will not be deemed to have been re-elected under the usual form of article if an attempt to elect other directors is made but fails, as for example, through no proper notice being given (*Robert Batcheller & Sons, Ltd.* v. *Batcheller* [1945] Ch. 169). Where the articles provide for the retirement by rotation of one-third of the directors, or if the number of directors is not a multiple of three, the number nearest to but not exceeding one-third, and there are only two directors, neither will retire by rotation (*Re David Mosely & Sons, Ltd.* [1939] Ch. 719). Directors are entitled to send out forms of proxy to some only of the members of the company if they do so *bona fide* in the interests of the company (*Wilson* v. *L.M.S. Rly. Co., Ltd.* [1940] Ch. 393). In *Re Smith & Fawcett, Ltd.* [1942] Ch. 304, the right of directors to refuse to register transfers is discussed. In *W. Dennis & Sons, Ltd.* v. *West Norfolk Farmers, etc., Co.* [1943] Ch. 220, it was held that where directors obtained are port from an accountant on the interpretation of an article which concerned the duty of the directors, the report was obtained on behalf of all the shareholders, and that it was not privileged in proceedings by some shareholders against the company arising out of that article, even if it was received after the proceedings had been started if it was ordered before. Money paid by a director who is not requested or authorised by the company to do so, even though it benefits the company, is not recoverable by the director (*Re Cleadon Trust, Ltd.* [1939] 1 Ch. 286). The only court which has power under s. 372 of the Companies Act to relieve directors from liability if proceedings have already been instituted against them is the court in which those proceedings have been brought (*Re Gilt Edge Safety Glass, Ltd.* [1940] Ch. 495).

Two points emerge about redeemable preference shares. Shares that have already been issued in the ordinary way cannot be converted into preference shares even if the company is authorised to issue them (*Re St. James' Court Estates, Ltd.* [1944] Ch. 6). Redeemable preference shares which have been redeemed cease to form part of the issued paid-up or nominal capital of the company (*Re Serpell & Co., Ltd.* [1944] Ch. 233).

With regard to schemes of arrangement, as a question of construction in order that they should destroy any previously existing rights, clear and unambiguous words must be used (*Re Downing & Co., Ltd.* [1940] All E.R. 333). On a petition to sanction a scheme, the court has no power to authorise any act by the company which is not within the objects of the company (*Re Oceanic Steam Navigation Co., Ltd.* [1939] Ch. 41). Where the court makes an order under s. 154 of the Companies Act for the transfer of all the properties and liabilities of one company to another company, a contract of service previously existing between an individual and the first company does not automatically become a contract between that individual and the second company. The Companies Act does not provide a statutory exception to the principle that a man is entitled to choose his own employer (*Nokes* v. *Doncaster Amalgamated Collieries, Ltd.* [1940] A.C. 1014). A dissenting shareholder who applies to the court under s. 155 for an order that a transferee company is not entitled to acquire his shares must, in order to succeed in his application, establish either that the scheme is unfair or that the price offered is inadequate (*Re Evertite Locknuts, Ltd.*, 220). If as a result of a scheme the company transfers to the shareholders shares held by it in other companies *ad valorem* duty is payable on the transfers (*Wigan Coal and Iron Co., Ltd.* v. *I.R. Commissioners* [1945] 1 All E.R. 392).

Re Suburban & Provincial Stores, Ltd. [1943] Ch. 156, is a case dealing with the variation of the rights of a class. In that case the holder of less than the required 15 per cent. of the shares applied to the court under s. 61 (2) to have the variation cancelled and was subsequently supported in his application by the holders of more than 15 per cent. of the shares. This, however, did not validate the original application, and it therefore failed.

Next week I shall deal with the cases which bear on points in connection with debentures and the winding up of companies, and also the ones which I have collected under a miscellaneous heading. Some of these cases to which I have referred above are of great interest in company law. I shall return to them in order to discuss them properly at a later date.

A CONVEYANCER'S DIARY

1945—CHANCERY—IV

THIS review of the year has necessarily been shorter than usual owing to the abnormal scarcity of interesting cases. I conclude with a few miscellaneous cases, of interest to Chancery practitioners, but not all drawn from the Chancery series.

Re X's Settlement [1945] Ch. 44; (1944), 88 SOL. J. 407, dealt with the position of wards of the English court whose parents were engaged in matrimonial litigation in the Court of Session. The father thought that the latter court ought to deal with their future custody and upbringing rather than the English court, since their domicile was Scottish. He therefore applied in chambers for liberty to apply for custody to the Court of Session, or, alternatively, that each parent might be given leave to make applications in Scotland relating to the infants. Vaisey, J., delivered a reserved judgment in open court refusing both alternatives. He stated that he could not pass without comment the implication that the English court would be likely to take any less care than the Court of Session to preserve the Scottish associations of the infants. The English court had not made, and had not even been asked to make, any order with regard to these infants. If it had done so, he had no doubt but that the Scottish courts would give every respect and attention to the order, even as the English courts certainly would give every respect and attention to a corresponding order of the Scottish courts. "The care and protection of infants who, by reason of the dissensions of their parents or otherwise, are in need of care and protection is exercised for and on behalf of the Sovereign as *parens patriae* by the courts of England and the courts of Scotland concurrently, with the sole desire of seeing that this important duty is effectively discharged. Conflict between those two courts is entirely out of the question. Each acts in the manner which it considers right as occasion arises. Neither court is avid of jurisdiction, and neither court will disclaim the jurisdiction with which it is entrusted" (at p. 47). Cases of this sort are not likely to be very frequent, but when they arise *Re X* is an important authority.

Poole Corporation v. *Moody* [1945] K.B. 350, is the first authority on s. 2 (7) of the Limitation Act, 1939. Section 2 is the main section of imposing limits of time on actions at common law. Thus it imposes the six-year limits for actions of contract and tort, actions to recover money recoverable by virtue of an enactment, and actions of account. It also imposes the twelve-year period on actions on specialties and judgments and the two-year period on penal actions. Subsection (7) says: "This section shall not apply to any claim for specific performance of a contract or for an injunction or for any other equitable relief, except in so far as any provision

thereof may be applied by the court by analogy in like manner as the corresponding enactment repealed by this Act has heretofore been applied." Now, I must confess that I had read this subsection simply as meaning that so far as any of the peculiarly equitable remedies were claimed in an action, those remedies were not subject to the ordinary time-limits applicable to the action. On this reading the action would be barred in six years, or as the case might be, but the equitable remedy might well be refused at a much earlier date. Thus, in tort one might quite well get a case where the tort was four years old so that the action lay and damages would be recoverable, but where the court would refuse an injunction, despite the action being in time. It appears, however, that the subsection is wider than that. The Poole Corporation brought an action claiming a declaration that they were entitled, as against the defendant, to a charge on premises under the Private Street Works Act, 1892. That Act charges certain property with apportioned amounts in respect of street works executed, giving the benefit of the charge to the local authority, which is also given the statutory powers and remedies of a mortgagee. The corporation claimed, *inter alia*, an order for the sale of the premises for the purpose of enforcing the charge. The work in respect of which the charge was claimed was completed on 18th March, 1933, and on 5th September of the same year the corporation had made an order that the amount of the charge on the plaintiff's property should be paid by instalments over ten years. No instalments had ever been paid. It was argued that the proceedings were out of time, since the action was one to recover money recoverable by virtue of an enactment, the period for which is six years under s. 2. This contention was rejected by the Court of Appeal on the ground that proceedings to enforce a charge are a form of equitable relief and that s. 2 (7) puts claims for such relief outside s. 2. Accordingly s. 18 applied, and the period was that of twelve years appropriate to an action to recover money charged on land. It is difficult to see the answer to the points made in the judgment, unless it could be said that the remedy sought was statutory, and therefore legal, and not equitable at all. But, unless that submission were accepted in the House of Lords, it is difficult to see how the decision of the Court of Appeal could be reversed. The effect of that decision is that s. 2 (7) does not merely leave the court free to impose its own limits on the grant of equitable remedies sought in respect of wrongs for which there are legal remedies, but apparently covers the whole action in cases where the only relief sought is equitable. Further, so far from cutting down the period, it may extend it from six years to twelve, as in this case.

There are two exceptionally interesting cases about the title to chattels, which deserve a reading. In *Marsh* v. *Commissioner of Police* [1945] K.B. 43; (1944), 88 SOL. J. 391, the Court of Appeal held that the lien of an innkeeper attaches to a ring just as much as to luggage in the more usual sense. Accordingly, when a guest at a hotel gave a stolen ring as security for his bill, the hotel-keeper was entitled to his lien, notwithstanding that the ring was stolen; the lien attached not because the ring was given as security, but because it was part of the guest's luggage. In *Hannah* v. *Peel* [1945] K.B. 509, Birkett, J., had to deal with the vexed question whether "finding is keeping." A soldier, billeted in a house, found a brooch in a crevice covered with dirt. The action was to establish whether he might keep the brooch (or the proceeds of its sale), or whether it was to be treated as belonging to the owner of the house. (The brooch had obviously been lost many years ago and the true owner was unknown.) The house had, at the material date, been requisitioned. The owner had in fact never occupied it. After an exhaustive review of the law, which is in a most unsatisfactory state, the learned judge awarded the brooch to the soldier, as finder, on the authority of *Bridges* v. *Hawkesworth*, 21 L.J. (Q.B.) 75. It is to be noted that the case of the owner was here much weaker than in *Bridges* v. *Hawkesworth*, where the person claiming was the person in actual possession of the shop where the money was found, whether as owner or occupier. Here the owner had never occupied, and was out of legal possession at the material date owing to the requisitioning. It does not follow from *Hannah* v. *Peel* that *Bridges* v. *Hawkesworth* (which has occasioned much controversy) is necessarily right. The Secretary of State for War, who had the legal possession, seems to have had a distinctly stronger case than the defendant. But this matter is one of fundamental principle, and ought not to be left to the hazard of particular sets of facts: it would seem to merit the attention of the Law Revision Committee in due course.

Two cases on matters of a distinctly "Chancery" character are reported in other Divisions. In *Marco Productions, Ltd.* v. *Pagola and Others* [1945] K.B. 111, Hallett, J., had to consider a contract between the plaintiffs, who were theatrical producers, and the defendants, who were dancers and entertainers known as "The Four Pagolas." A written agreement dated 1942 and subsequently varied gave the plaintiffs an option on the defendants' services for the pantomime season beginning on Boxing Day, 1944. The option was duly exercised. In the autumn of 1944 the plaintiffs found that the defendants in fact proposed to appear for someone else at the appointed season. The contract contained an express restrictive covenant forbidding the defendants "during the engagement or at any time prior to appear in any other entertainment without the consent of the" plaintiffs. The action was brought for a declaration that the defendants were under an obligation to perform for the plaintiffs in the Christmas season of 1944–45 and an injunction to restrain them appearing in any other production during that season. For some reason which is not easy to appreciate, this proceeding was brought in the King's Bench Division. The more usual course would surely be to issue a writ in the Chancery Division and to serve notice of motion for an interlocutory injunction with the writ. After considering such authorities as *Lumley* v. *Wagner*, 1 De G.M. & G. 604, and the observations of Lord Cairns in *Doherty* v. *Allman*, 3 App. Cas. 709, at pp. 719–720, Hallett, J., made the declaration and granted the injunction sought. With the greatest respect, I venture to suggest that a proceeding in which the main relief sought is an injunction should be brought in the Chancery Division, unless there is grave reason to the contrary. The so-called fusion of law and equity by the Judicature Act was surely meant to make equitable remedies available as a supplement or an alternative in common law cases and common law remedies available likewise in equity cases, not to get the work of the two Divisions inextricably mixed up. The aspect of this case which I have made bold to criticise, seems to be favoured by recent restriction of the right to a jury in the King's Bench Division, and the virtual suspension of juries in war-time. I hardly think anyone would start pure equity proceedings in a tribunal where a jury was normal. If the jury is to continue to be abnormal, the possible confusion of the work of the Divisions will require to be watched.

The other case of a "Chancery" nature to which I have referred is *Howard* v. *Howard* [1945] P. 1, a proceeding in the Divorce Division for the variation of an order for maintenance. Obviously, as the law stands, this proceeding had to be brought in that Division. The ex-husband concerned seems to have had no income of his own at all. He had formerly earned £6 a week, but had been very ill and was unfit to work. He was receiving a voluntary allowance of £150 a year and was also one of the objects of a discretionary trust. Barnard, J., had, in these circumstances, ordered him to pay £100 a year to his former wife (who had anyhow married again). Apparently this order was made for the purpose of bringing pressure on the trustees of the discretionary trust to exercise their discretion in the husband's favour. They had intimated that they were unlikely to do so. He had therefore less than £1 a week to live on. The Court of Appeal unanimously allowed the appeal from the order of Barnard, J., and restored the order of the registrar, who had reduced the maintenance to 1s. a week. All three members of the Court (Lord Greene, M.R., MacKinnon, and du Parcq, L.JJ.) expressed the view that an attempt to use maintenance orders to put pressure on trustees as to the exercise of their discretion must

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Circuit 5—Lancashire

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Circuit 6—Lancashire

His Hon. Judge Crosthwaite
His Hon. Judge Proctor
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Circuit 8—Lancashire

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*Lincoln, 7 (R.B.), 11,
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Circuit 18—Nottinghamshire

His Hon. Judge Caporn
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†*Cardiff, 4, 5, 6, 8, 9
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*Newport, 21, 22
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*West Bromwich, 13, 20, 27
*Wolverhampton, 1, 15, 22

Circuit 26—Staffordshire

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†*Great Yarmouth, 7, 8
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†*King's Lynn, 14, 15
*Lowestoft, 6
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*Norwich, 18 (J.S.), (B.), 19, 20
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Circuit 34-Middlesex

His Hon. Judge Tudor Rees
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Circuit 35 — Cambridgeshire

His Hon. Judge Campbell
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*Huntingdon, 22 (R.)
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His Hon. Judge Hurst
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His Hon. Judge Engelbach
His Hon. Judge Tudor Rees (Add.)
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Circuit 40-Middlesex

His Hon. Judge Alchin
His Hon. Judge Drucquer (Add.)
His Hon. Judge Tudor Rees (Add.)
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Circuit 41-Middlesex

His Hon. Judge Earengey, K.C.
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His Hon. Judge Neal
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His Hon. Judge Hurst (Add.)
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Circuit 46-Middlesex

His Hon. Judge Daynes, K.C.
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His Hon. Judge Bensley Wells
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His Hon. Judge Clements
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*Canterbury, 5
Cranbrook,
Deal, 15
*Dover,
Folkestone, 12
Hythe, 22
*Maidstone, 8
Margate, 14
*Ramsgate,
†*Rochester, 6, 7
Sheerness, 21
Sittingbourne, 19
Tenterden, 18

Circuit 50—Sussex

His Hon. Judge Archer, K.C.
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Brighton, 7, 14, 15, 21, 22, 28
†*Chichester, 8
*Eastbourne, 13
*Hastings, 5
Haywards Heath,
*Lewes, 11
Petworth, 18
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Circuit 51 — Hampshire

His Hon. Judge Topham, K.C.
Aldershot, 15
Basingstoke, 13
Bishops Waltham, 6
Farnham, 22
*Newport, 27
Petersfield,
†*Portsmouth, 4 (B.), 7, 14, 21
Romsey, 8
Ryde,
†*Southampton, 5, 12, 13 (B.), 19
*Winchester, 20

Circuit 52—Wiltshire

His Hon. Judge Jenkins, K.C.
*Bath, 7 (B.), 14 (B.)
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Chippenham, 19 (R.)
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*Frome, 13 (R.)
Hungerford, 18
Malmesbury, 21
Marlborough,
Melksham, 15
*Newbury, 4 (R.)
Stroud, 26
*Swindon, 13 (B.)
Trowbridge, 8
Warminster,
Wincanton, 15 (R.)

Circuit 54-Somersetshire

His Hon. Judge Wethered
†*Bridgwater, 1
†*Bristol, 4, 7, 8 (B.), 11 (J.S.), 12, 13, 14, 22 (B.), 25 (J.S.), 26, 27, 28
Gloucester, 18, 19
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Newnham,
Thornbury,
*Wells, 5
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Circuit 55 — Dorsetshire

His Hon. Judge Cave, K.C.
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Blandford, 28
*Bournemouth, 7 (R.), 15 (J.S.), 19, 20
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*Poole, 6, 27 (R.)
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*Salisbury, 7
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Swanage, 8
*Weymouth, 5
Wimborne, 11
*Yeovil, 14

Circuit 56—Kent

His Hon. Judge Sir Gerald Hurst, K.C.
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*Croydon, 1, 4, 12, 13, 18, 25, 26, 27
Dartford, 7, 14, 28
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Gravesend, 11
Sevenoaks,
Tonbridge,
Tunbridge Wells, 21

Circuit 57-Devonshire

His Hon. Judge Thesiger
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†*Barnstaple, 26
Bideford, 27
Chard, 21 (R.)
†*Exeter, 14, 15
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Langport, 25
Newton Abbot, 21
Okehampton, 22
South Molton,
Taunton, 11
Tiverton, 20
*Torquay, 12, 13
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Totnes,
Wellington, 18 (R.)

Circuit 58—Essex

His Hon. Judge Trevor Hunter, K.C.
His Hon. Judge Daynes (Add.)
Brentwood, 15 (R.)
Gray's Thurrock, 5 (R.)
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Southend, 6, 7 (R.), 8, 13 (R.), 20 (R.B.), 21, 22, 27 (R.)

Circuit 59—Cornwall

His Hon. Judge Armstrong
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Camelford,
Falmouth, 18 (R.)
Helston, 5
Holsworthy,
Kingsbridge, 27 (R.)
Launceston, 15
Liskeard, 13
Newquay,
†*Penzance, 11
Plymouth, 6 (R.), 19, 20, 21, 22
Redruth, 7
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Tavistock, 14
†*Truro, 8

The Mayor's & City of London Court

His Hon. Judge Dodson
His Hon. Judge Beazley
His Hon. Judge Thomas
His Hon. Judge McClure
Guildhall, 1 (J.S.), 4, 5, 6 (A.), 7, 8 (J.S.), 11, 12, 13, 14, 15 (J.S.), 18, 19, 20 (A.), 21, 22 (J.S.), 25, 26, 27 (A.), 28

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* = Bankruptcy Court
† = Admiralty Court
(R.) = Registrar
(J.S.) = Judgment Summonses
(B.) = Bankruptcy
(R.B.) = Registrar in Bankruptcy
(Add.) = Additional Judge
(A.) = Admiralty

be quite wrong. As Lord Greene observed, the order of the court below amounted to "pressure on the trustees . . . to commit a breach of their duty." His lordship thought it might be possible for the court to make an order varying a settlement under which the spouses or one of them were objects of a discretionary trust. If that were actually done, the duty of the trustees would be altered. But it had not been done in this case, and, indeed, MacKinnon, L.J., expressed the opinion, *obiter*, that no such power exists. Again with the greatest respect, I wonder whether this case does not support the view that the financial arrangements consequent on divorce, so far as they directly or indirectly involve rights of property and matters affecting trusts, as distinct from mere obligations to pay periodical sums, should be dealt with in the Chancery Division, as the natural home of cases on property in general and trusts in particular.

LANDLORD AND TENANT NOTEBOOK

FURNISHED LETTING: JURISDICTION

A FEW weeks ago, when making a plea for better pleadings in county court cases (89 SOL. J. 575), I commented on the frequency with which Ord. VII, r. 3, of the County Court Rules, which provides that in an action for recovery of land the particulars of claim shall contain, *inter alia*, a full description *sic*] of the annual value of the land sought to be recovered, was ignored. The rule is designed to prevent infringement of s. 48 (1) of the County Courts Act, 1934: A county court shall have jurisdiction to hear and determine any action for the recovery of land where neither the land in question nor the rent payable in respect thereof exceeds the sum of £100 by the year. But in *Somershield* v. *Robin*, a decision of the Court of Appeal, reported in *The Times* of 18th January, it was the nature of the other requirement that occasioned the appeal. An action to recover possession of a house, let furnished at £22 15s., landlord paying rates, had been launched in a county court, where the defendant contended that the rent payable being £273 by the year, the court had no jurisdiction. Whereupon the judge proceeded to analyse the £273, valuing the furniture at £150 a year: this left £123, but by then deducting £35 13s. paid by the landlord for rates, his honour arrived at a figure which was less than £100, and accepted jurisdiction. The Court of Appeal has disapproved both processes.

The urge to embark upon dissection can, no doubt, be traced to requirements of the Rent and Mortgage Interest Restrictions Acts rather than to any desire to emulate Solomon who was, after all, content to suggest dividing the subject-matter into two. In *R.* v. *Marylebone County Court Judge* [1923] 1 K.B. 365, the learned respondent concerned, who had declined to apportion standard rent on an application by an applicant seeking nothing else, was told by rule *certiorari* that he should do so, despite his reasoning which ridiculed the suggestion. Since then we have learned that "it is necessary," to use the words of s. 12 (3) of the Increase of Rent, etc., Act, 1920, s. 12 (3), to apportion rent in many varying circumstances. Further analysis is called for by s. 10 (1) of the Rent, etc., Act, 1923, which may make it incumbent on the court to inquire whether an amount of rent fairly attributable to attendance or use of furniture, regard being had to the value of the same to the tenant, forms a substantial portion of the whole rent. In consequence of these provisions, judges have had a fair amount of valuing to do; nevertheless, it would be interesting to know how the figure of £150 was arrived at in the recent case. In *Gray* v. *Fidler* [1943] 2 All E.R. 289 (C.A.), in which it was held, at first instance (see 87 SOL. J. 37), that certain items of "built-in" furniture were furniture for purposes of the Rent, etc., Restrictions Acts, the learned county court judge decided that the annual value of furniture which he valued at £120 was £60, there being some expert evidence that 6–1 was the correct ratio.

But a more recent attempt to persuade the court to split a rental figure, made in *Signy* v. *Abbey National Building Society* [1944] 1 K.B. 449 (C.A.); 88 SOL. J. 143, failed in these circumstances: the point at issue was whether "the rent at which the house was let" for the purposes of determining standard rent included the rent yielded by a furnished letting, and it was held that it did not; but in the course of argument the ingenious suggestion was made that the county court judge, who had held that it did, might, alternatively, have apportioned the rent to ascertain the part attributable to the house alone. The Court of Appeal, however, considered that a restricted meaning might be given to "rent" for the purpose in hand, though accepting the authority of decisions, such as *Newman* v. *Anderton* (1806), 2 Bos. & P. (N.R.) 224, which showed that "rent" included rent of premises let furnished (see 88 SOL. J. 131). It was very likely these authorities which were alluded to in the judgment of the Court of Appeal in *Somershield* v. *Robin*, in which the construction placed upon the County Courts Act, 1934, s. 48 (1), at first instance, was characterised as "artificial."

The Court of Appeal dealt with the deduction of rates in the same manner; it was agreed that when a tenancy was negotiated consideration would be given, when it came to the matter of rent, to the incidence of liability for rates; but once the figure was finally settled it was rent and nothing else. One might add that in some cases, if the county court judge's view of the position was sound, it might be difficult to ascertain, owing to fluctuations in rates, whether the court had jurisdiction or not. On this part of the case I expect that the full report will show that *Rousou* v. *Photi; Gort Estates Co., Third Party* [1940] 2 K.B. 379 (C.A.); 84 SOL. J. 488, was relied on by the appellant. That case decided that "rent" in s. 2 (1) of the Housing Act, 1936—"in any contract for letting for human habitation a house at a rent not exceeding, etc. . . . there shall be implied . . . a condition that the house is . . . in all respects reasonably fit for human habitation" meant whatever the contract fixed as payable, regardless of who paid rates. An appeal from the judgment of the High Court, in which the judge had come to the conclusion after consideration that the Act meant "net rent," was allowed accordingly.

It is, perhaps, interesting that an argument based on resulting anomalies was rejected in that case with the comment that the test adopted was a simple one; it appeared to the court quite incredible that the Legislature should have laid down a test demanding application of an elaborate and difficult process. For in *Signy* v. *Abbey National Building Society, supra*, the judgment, if not based on this consideration, made much of the surprising anomalies which would result if the judgment of the county court in that case were upheld. It was pointed out that if two similar houses were first let, the one furnished and the other unfurnished, the former might have a standard rent which would be twice that of the latter, and such a result would be contrary to the policy and intendment of the legislation. On which one might remark that the legislation in question has in fact produced many such anomalies—notably when of two similar houses, one was first let at a "blitz" rental and the other at a figure determined mainly by the shortage of accommodation—and it cannot be said that the remedy proposed by the Inter-Departmental Committee's (shelved) report has the merit of simplicity.

The quarterly meeting of the Lawyers' Prayer Union will be held on Monday, 11th February, at 6 p.m. (preceded by half an hour for tea) in the Council Room of The Law Society. The meeting on this occasion is to be of a special nature, and will be conducted entirely by members who have lately been in the Forces. The subject will be "With Christ in the Forces."

TO-DAY AND YESTERDAY

January 21.—On 21st January, 1687, "about one in the morning broke out a fire in Gray's Inn which burnt till six and in that time consumed about five staircases." The fire seems to have started in the chambers of William Rowney on the first floor of Osbaldestone's Buildings, which faced the east end of the Chapel and projected into the courts north and south of it, the cause being a candle left burning on a mantelpiece. A good many records were lost, particularly those of the adjoining Fine Office, or the Pipe Office, as it was generally called. At the time of the outbreak the members were in the midst of their revels and masquerades. Several fire-engines came to help, and the Guards under the Earl of Craven gave valuable assistance, as they had done at the Temple fire eight years earlier.

January 22.—A strange relationship between judges and law officers is revealed in a letter dated 22nd January, 1616, from Bacon, then Attorney-General, to James I, relating to the prosecution of the murderers of Sir Thomas Overbury: "If your Majesty vouchsafe to direct it yourself that is the best; if not, I humbly pray you to require my Lord Chancellor that he, together with my Lord Chief Justice, will confer with myself and my fellows that shall be used for the marshalling and sounding of the evidence, that we may have the help of his opinion, as well as that of my Lord Chief Justice, whose great travails as I much commend, yet that same plerophoria or over-confidence doth always subject things to a great deal of chance." (Lord Ellesmere was Chancellor and Coke Chief Justice.)

January 23.—On 23rd January, 1649, the illegally established High Court of Justice, set up to try Charles I, sat for the last time in public in Westminster Hall before emerging four days later from the Painted Chamber to condemn him to death. As before, he steadfastly challenged its authority: "For me to acknowledge a new court that I never heard of before—I that am your King, that should be an example to all the people of England, to uphold justice, to maintain the old laws—indeed I know not how to do it. You spoke very well . . . of the obligation that I had laid upon me by God, for the maintenance of the liberties of my people, to defend . . . the ancient laws of the Kingdom . . . And, therefore, till I may know this is not against the fundamental laws of the Kingdom . . . I can put in no particular [answer to the] charge."

January 24.—On 24th January, 1602, the Inner Temple benchers ordered that the gentlemen who kept commons last Christmas should be allowed £4 "nevertheless the baker and brewer to be first paid for the credit of the house."

January 25.—Francis Smith, who shot a bricklayer in mistake for a ghost supposed to be haunting the Hammersmith lanes, was condemned to death at the Old Bailey, but on 25th January, 1804, he received a pardon, his sentence being commuted to one year's imprisonment.

January 26.—At a pension held on 26th January, 1604, the King's commandment was signified to the Gray's Inn benchers "that none hereafter be admitted into this Society unless he be a gentleman by descent." Two benchers were also appointed to call before them all members who did not receive Communion regularly and to examine the cause thereof. Henry Bradley, Vicar of St. Pancras, was appointed Reader of Prayer and Divine Service in the Chapel.

January 27.—On 27th January, 1626, the Gray's Inn benchers referred to the consideration of three of their number "the paynes and travels of the officers this time of visitation" by the plague. They had not met since the previous May, nor had there been any reading, though Henry Dewell had been appointed Reader.

OLD ACTS REVIVED

At Slough recently a W.A.A.F. was fined £1 under an Act of 1835 for "being the driver of a vehicle which did cause hurt by negligence." In opening the door of her ambulance she had struck a cyclist. The defence suggested that this was somewhat remote from the atmosphere of 1835. Just before the war there was a tendency among police authorities to disinter ancient, or at any rate somewhat elderly, statutes and adapting them to new uses, raising the ghosts of the past to haunt modern offenders. Thus a London man found himself summoned at the Mansion House under an Act a century old to answer a charge of cleaning a carriage outside Great St. Thomas the Apostle and so obstructing the highway. Then there was the Reading Improvements Act, 1826, which the Reading magistrates were in the habit of invoking to discourage obstruction. It provided that no wagon, wain, dray, cart, sledge or other carriage, with or without horses, should be allowed to stand or remain longer than necessary for loading or unloading, and that no stage coach, diligence, chaise or other carriage should be allowed to remain longer than for the taking up or setting down of any passenger. Many motorists were fined for alleged contravention of its provisions. Then in May, 1939, a summons under the Act was resisted on a point of law and it was decided that it did not apply.

MORE MUSEUM PIECES

About the same time a woman fined at Croydon for providing her sister with a false reference found that she had contravened the Servants' Character Act, 1792, passed because "many false characters of servants have either been given personally or in writing by evil-disposed persons . . . contrary to truth and justice . . . and the evil is difficult to guard against but is of great magnitude and continually increasing." More recently an even more venerable ancient made its appearance at the London Sessions, an Act of Henry VIII for the maintenance of artillery and the debarring of unlawful games which "hurt and let of shooting and archery." It had been passed at the instance of the fletchers, stringers and arrowhead makers of the realm, who were being driven to Scotland by lack of work. It was also something of a curiosity to find a man at Old Street charged under the Justice of the Peace Act, 1360, with being a "loose, idle and disorderly person whom there was just cause to suspect of evil designs." Of comparable antiquity was the Act which formed the basis of one of the charges against a man who fired a pistol near the Duchess of Kent in June, 1939, the Statute of Northampton, which provided: "Item, no man great or small, of what condition so ever he be . . . be so hardy to come before the King's justices with force and arms, nor bring no force in affray of the peace,' nor to go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the justices or their ministers, nor in no part elsewhere upon pain to forfeit their armour to the King and their bodies to prison at the King's pleasure." On that occasion the charge under the Act was not pressed. Before then a chimney sweep had been convicted under it in 1903 for firing a revolver in the street and had "forfeited his body to prison" for two months. His name was James Meade and he was tried at the Carnarvon Assizes before Wills, J., who overruled the protest of defending counsel at the revival of this mediæval museum piece to prosecute his client. The trouble arose out of a family quarrel, the defendant in anger having discharged a revolver at his brother's bedroom window in Bangor.

COUNTY COURT LETTER

Farm Worker's Cottage

IN *Swire* v. *Wilson*, at Stow-on-the-Wold County Court, the claim was for possession of a cottage at Coldicote Farm, Moreton-in-Marsh. The plaintiff's case was that he bought the farm, with two cottages adjoining, in September, 1943. The farmhouse was occupied by the plaintiff's foreman, one cottage by a farm worker, and the other cottage by the defendant, who worked at an aerodrome eight miles away. The plaintiff was living five and a half miles away, and could not work the farm properly, as he had to travel by car and there was no telephone. The cottage was required for the foreman, in order to enable the plaintiff to live in the farmhouse himself. A certificate of the Gloucestershire War Agricultural Executive Committee was produced in support. The defendant's mother-in-law lived 600 yards away in a house large enough for her to take lodgers. The defendant, his wife and their baby could therefore live with the mother-in-law. The plaintiff, his wife, two children under ten, and another lady required the farmhouse as a residence. The defendant's case was that he became tenant of the cottage in February, 1940, and paid 10s. per week rent and 4s. per week rates. The plaintiff could share the farmhouse with his foreman, who had a wife and daughter, aged thirteen, but no other dependents. There were seven bedrooms, and the defendant was willing to share the farmhouse with the plaintiff. The Air Ministry had had the defendant's name on their books for months for a house near the aerodrome. His Honour Judge Donald Hurst made an order for possession in ten weeks, with costs on Scale A, and liberty to apply for possession earlier.

CORRESPONDENCE

[The views expressed by our correspondents are not necessarily those of THE SOLICITORS' JOURNAL.*]*

Cohen Report—Shareholders' Control

Sir,—I have read with much interest your contributor's articles on the Cohen Report, but must take exception to his remark on p. 4 of your issue of the 5th January (which I have just seen), where he says: " . . . At present a poll can only be demanded where Resolutions are Special or Extraordinary Resolutions . . . "

Every (voting) member of a duly constituted body has at common law a right to demand a poll. If the articles of the company are silent on the matter a poll can validly be demanded by one member. On the other hand, the articles may prescribe a minimum number of, say, ten or more for a valid demand, or may even exclude the right to a poll.

As far as I can see, the object of the Cohen recommendations is to put the demand for a poll on an ordinary resolution on a statutory basis and in a not less favourable position than that for an extraordinary or special resolution, as is at present the case with Table A, under the Companies Act of 1929.

London, E.C.3. A. J. S. HAMILTON.
14th January.

[Our contributor writes:—

" This criticism is justified. The proposition stated in the article was intended to be limited to the position under the Act, but it was not so stated. It should read 'At present under the provisions of the Act . . .' and the suggestion referred to should be qualified by the phrase 'notwithstanding anything in the constitution of the company.'"]

Chancery Barristers

Sir,—The Recorder of London, if correctly reported in your issue of 12th January (p. 20), told a gathering of solicitors that the old-fashioned office-boy was " half covered in the obnoxious fluid known as copying ink," adding that " he looked more like a Chancery barrister than anything else." I had always understood from friends in the Temple that we up here had our waistcoats covered with egg. Has the new fashion of using copying-ink been introduced during the war through the shortage of eggs?

Lincoln's Inn, W.C.2. CONVEYANCER.
16th January.

REVIEW

The Principles of Company Law. By J. CHARLESWORTH, LL.D., of Lincoln's Inn, Barrister-at-Law. Fourth edition. 1945. London: Stevens & Sons, Ltd.; Sweet & Maxwell, Ltd. 10s. 6d. net.

Company law is an extremely difficult subject to expound to students, as, indeed, any subject must be which is contained substantially in one Act of Parliament. It is very difficult to extract general principles or to do more than go through the Act illustrating the effect of the various sections with reported cases. This difficulty is not made less by the examiners in the recent papers I have seen who set questions turning on minute points. As a consequence of this, it is not easy to enable students to see the wood for the trees. Subject to this inevitable disadvantage this little book usefully sets out the information which students will require. The very short history of the way in which legislation on the subject of companies has grown up with which the book begins is of general interest and is of help to the student in grasping many of the principles involved. In this edition some recent decisions subsequent to the last edition have been incorporated in the text, but as the book is intended for students practically no reference is made to war legislation.

OBITUARY

MR. T. HEELEY.

Mr. Tom Heeley, solicitor, of Messrs. Heap, Marshall and Heeley, solicitors, of Holmfirth, Yorks, died on Monday, 7th January, aged forty-four. He was admitted in 1925.

MR. F. P. M. SCHILLER, K.C.

Mr. Ferdinand Philip Maximilian Schiller, K.C., Recorder of Bristol, died suddenly on Saturday, 19th January, aged seventy-seven. He was called by the Inner Temple in 1893, of which Inn he became a bencher in 1922 and served as Treasurer in 1942. He took silk in 1913. He was Recorder of Southampton from 1928 to 1935, when he was appointed Recorder of Bristol.

NOTES OF CASES

CHANCERY DIVISION

Greenhalgh *v.* Arderne Cinemas, Ltd. and Mallard

Vaisey, J. 1st November, 1945

Companies—Private company—Ordinary share capital divided into 10s. and 2s. shares—Resolution passed to subdivide 10s. shares into 2s. shares—Holders of 2s. shares do not consent to subdivision—Whether effect of resolution to " vary " rights attached to the 2s. shares—Companies Act, 1929 (19 & 20 *Geo. 5, c. 23), Sched. I, Table A, art. 3.*

Witness action.

The defendant company, a private company incorporated in 1936, had a nominal share capital of £26,000, divided into 21,000 preference shares and 31,000 ordinary shares, all of 10s. each. In March, 1941, 4,705 of the ordinary shares were unissued. The company was then in financial difficulties and the plaintiff advanced to the company £11,000 upon the terms that debentures should be issued to the plaintiff to secure that sum, and that the unissued ordinary shares should be subdivided into 2s. shares. These shares, called the 1941 2s. ordinary shares, were to be allotted as to 19,213 to the plaintiff and as to the remaining 4,312 shares to Q M and H, who were directors of the company. There was a collateral agreement by which Q M and H agreed to vote with and support the plaintiff. At an extraordinary general meeting of the company the issue of the 1941 2s. ordinary shares was sanctioned and the shares issued. The result of this issue was to give to the plaintiff, by virtue of his own shareholding and the collateral agreement, control of 35,275 votes, giving him a majority of over 20,000. Q M and H then sought to repudiate their obligation to vote as the plaintiff might direct, and Morton, J., in an action brought by the plaintiff, held that they were bound by the collateral agreement. Thereupon Q M and H transferred their shares to third persons. In a second action brought by the plaintiff, *Greenhalgh* v. *Mallard* [1943] 2 All E.R. 234, the Court of Appeal held, affirming Uthwatt, J., that the transferees of those shares were not bound by the terms of the collateral agreement. At an extraordinary general meeting of the company held on the 12th March, 1943, called pursuant to the requisition of M, the second defendant, a resolution was passed that the 10s. ordinary shares should be subdivided into 2s. shares so as to form one class with the 1941 2s. shares. The result of this subdivision was that the votes of the holders of the 1941 2s. ordinary shares were swamped by the votes carried by the 1943 2s. shares. The plaintiff in this action sought a declaration that the resolution of the 12th March, 1943, was void. The Companies Act, 1929, Sched. I, Table A, provides by art. 3: " If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class."

Vaisey, J., said that it was suggested that the resolution for subdivision was void on two grounds: (1) that it amounted to a breach of the contract under which the plaintiff put up his money; (2) that it varied the rights attaching to the 1941 2s. shares without their consent which the holders of those shares, regarded as a class of shares, were entitled to give or withhold under art. 3 of Table A. For some purposes he was disposed to think that the 10s. ordinary shares and the 2s. ordinary shares, both being ordinary shares, formed but one class, but he thought that on any question which arose as to voting rights, or anything of that kind, the 10s. ordinary shares formed one class and the 2s. ordinary shares another class (*Sovereign Life Assurance Co.* v. *Dodd* [1892] 2 Q.B. 573; *In re United Provident Assurance Co., Ltd.* [1910] 2 Ch. 477). It was contended that you did not vary the rights of a class of shares by operations effected upon other classes of shares. That argument prevailed. The subdivision of the 10s. shares was not vitiated by the provisions of art. 3 of Table A. The subdivision of the shares was not expressly forbidden by the agreement of 1941 and was not a breach of that agreement. Action dismissed.

COUNSEL: *Gerald Upjohn*, K.C., and *I. J. Lindner*; *Valentine Holmes*, K.C., and *Pennycuick*; *Russell Vick*, K.C., and *H. O. Danckwerts.*

SOLICITORS: *S. A. Bailey & Co.*; *Pritchard, Englefield & Co.*, for *Field, Cunningham & Co.*, Manchester.

[Reported by Miss B. A. BICKNELL, Barrister-at-Law.]

KINGS' BENCH DIVISION

Perrins *v.* Smith

Humphreys and Lynskey, JJ. 8th November, 1945

Food and drugs—Slaughter-house—Slaughter of cow in building on single occasion—Building not "used in connection with the business of slaughtering"—Food and Drugs Act, 1938 (1 & 2 *Geo.* 6, *c.* 56), *ss.* 57 (1), 100.

Case stated by Southport Justices.

At a court of summary jurisdiction sitting at Southport an information was preferred against the respondent, a butcher, charging him with contravening the Food and Drugs Act, 1938, by unlawfully using on the 28th November, 1944, certain premises occupied by one Webster at his farm as a slaughter-house, without holding a licence from the local authority under s. 57 of the Act so to use them. At the hearing of the information, the following facts were established: Webster's premises included a shippon in which he allowed the butcher to shelter his cow and some poultry. On the date in question, in Webster's absence and without his permission, the butcher slaughtered the cow in the shippon. At the time when he did so, part of the flesh of the cow was intended for human consumption. Webster held no licence under s. 57 authorising him to keep the shippon as a slaughter-house, nor was he a slaughterer. The shippon was not used in connection with the business of slaughtering animals, and no animal had previously been slaughtered there. It was contended for the prosecution that the slaughter of an animal on a single occasion in any premises whatsoever constituted a use of those premises as a slaughter-house within the meaning of s. 57 (1) (*b*) of the Act of 1938. It was contended for the butcher that the shippon was not used as a slaughter-house within the meaning of that subsection when read in conjunction with s. 100, since it was not used in connection with the business of slaughtering animals. The justices were of opinion that the shippon in question did not constitute premises used in connection with the business of slaughtering animals, and that the slaughter there of a cow on the date in question was not a use by the butcher of the premises as a slaughter-house in contravention of the Act. They accordingly dismissed the information. The town clerk now appealed.

HUMPHREYS, J., said that the justices' decision might well have been challenged but for s. 100 of the Act of 1938, where the word "premises" was given the widest possible definition and "slaughter-house" was defined as meaning "any premises used in connection with the business of slaughtering animals, the flesh of which is intended for human consumption." The prosecution contended that, although the premises themselves might be said not to come within the definition of "slaughter-house," yet they were being used as a slaughter-house. Had Parliament intended to prohibit the killing of any animal in any place which was not a licensed slaughter-house, it could easily have said so, and the attention of the court had been drawn to the Livestock (Restriction of Slaughtering) (No. 2) Order, 1940, which expressly provided that, except under the conditions of a licence, no person should slaughter for human consumption any livestock, which meant any animal. The Act of 1938 did not provide that. In his (his lordship's) opinion, such absurd consequences would flow from holding that this shippon, which was not within the definition of "slaughter-house," was yet used as a slaughter-house, that the justices' decision must be held right. To hold otherwise would mean that anyone who killed any animal (except a bird) which he intended for human consumption, for example, a rabbit in his own field, coming, as it would, within the definition of "premises," would be guilty of using that field as a slaughter-house; and no one could ever hope to obtain a licence as a slaughter-house for the whole of his property over which he wished to exercise his sporting rights. The appeal must be dismissed.

COUNSEL: *Baucher; Milmo.*

SOLICITORS: *Sharpe, Pritchard & Co.*, for *The Town Clerk, Southport; Pritchard, Englefield & Co.*, for *Brighouse, Jones and Co.*, Southport.

[Reported by R. C. CALBURN, Esq., Barrister-at-Law.]

HIGH COURT OF JUSTICE

CHANCERY DIVISION

The Lord Chancellor has made the following appointments and directions:—

1. Mr. Justice Cohen to be the Judge for hearing appeals and petitions under s. 92 (2) of the Patents and Designs Act, 1907, and Ord. 53A, r. 1.

2. Mr. Justice Cohen, Mr. Justice Romer and Mr. Justice Roxburgh or one or more of them, to be the Judges to exercise the jurisdiction in bankruptcy.

3. Mr. Justice Cohen to be the Judge for the hearing of proceedings under Ord. 55A, r. 4 (Guardianship of Infants Acts, 1886 and 1925).

4. Mr. Justice Cohen to be the Judge for hearing proceedings under Ord. 55C (War Damage Act, 1943).

5. Mr. Justice Cohen, Mr. Justice Vaisey and Mr. Justice Evershed or one or more of them, to be the Judges by whom the jurisdiction of the High Court under the Companies Act, 1929, is to be exercised.

The following appointments and directions previously made will remain in force:—

1. Mr. Justice Romer to be the single Judge for the purpose of hearing such appeals under Ord. 54D of the Rules of the Supreme Court (Law of Property Acts, etc.) as are to be heard and determined by a single Judge; and Mr. Justice Vaisey and Mr. Justice Romer to be the two Judges constituting a Divisional Court for the purpose of hearing and determining such appeals under Ord. 54D as, in accordance with the provisions of that Order, are to be heard and determined by a Divisional Court of the Chancery Division.

2. Mr. Justice Romer to be the Judge for the duties imposed by r. 15 (2) of the Public Trustee Rules, 1912.

3. Mr. Justice Cohen and Mr. Justice Vaisey to be the Judges for the hearing of causes or matters proceeding in the District Registries of Liverpool and Manchester.

4. Mr. Justice Evershed to be the Judge to whom references of disputes under s. 29 of the Patents and Designs Act, 1907, as amended, are assigned.

5. Mr. Justice Evershed to be the Patents Appeal Tribunal under s. 92A of the Patents and Designs Act, 1907.

In accordance with arrangements made between the Chancery Judges, Mr. Justice Cohen will hear proceedings under the Liabilities (War-Time Adjustment) Acts, 1941 and 1944.

ANNUAL MEETING OF THE BAR

The annual meeting of the Bar took place at the Old Hall, Lincoln's Inn, on the 18th January. The Attorney-General, Sir HARTLEY SHAWCROSS, K.C., M.P., who presided, congratulated Sir Herbert Cunliffe, K.C., Chairman of the Bar Council, on the Knighthood of the British Empire which had just been conferred upon him, and which was an honour paid to the whole profession which he represented. Sir Hartley said that he intended to do all he possibly could to help those members of the Bar who had returned from war service and found serious obstacles in the way of their resumption of practice; and he appealed to all members of the profession to give similar help in providing accommodation in chambers, clerking, libraries and other facilities. He hoped that the Government would be able, when Parliamentary time became a little easier, to introduce various measures for improving law and legal procedure. He referred particularly to the present expense and delay in the preliminary stages of divorce proceedings, and also to the provision of legal aid for poor litigants. Parliament had accepted the principles of the Rushcliffe Committee's Report, and The Law Society had been asked to prepare an administrative scheme. Consultations held between The Law Society and the Bar Council were nearly complete, and a Bill might be introduced in the near future.

On the motion to adopt the annual statement of the Council, proposed by its Chairman, three members strongly criticised the wording of a report contained in the statement summarising a series of interviews between a joint committee of the Council and Mr. Nicholas. At the last annual meeting Mr. Nicholas had moved and the meeting had carried by a substantial majority three resolutions urging certain action by the Council, including a review of the structure of government of the Bar. The Council had invited Mr. Nicholas to explain his views orally, and he had addressed three meetings of the joint committee and submitted a memorandum in writing. The joint committee had, in its report, described Mr. Nicholas's suggestions as a "complaint," and had, after hearing him twice, still found them "vague," and finally had concluded that the only concrete reform he had proposed had been to transfer disciplinary powers from the Inns of Court, which he agreed were exercising them fairly, to the Bar Council; and the committee emphatically repudiated Mr. Nicholas's suggestion of inertia and neglect. Mr. ELDER JONES maintained that the words of the report were extremely rude and implied that Mr. Nicholas was woolly-minded and prolix and had no case, or that such case as he had was a mischievous and undesirable criticism of the Council.

The CHAIRMAN of the Council said that neither the committee nor the Council had any intention of being rude, and protested against the imputation of rudeness to a "perfectly dispassionate" report. The Council entirely failed to see how the transfer of disciplinary powers from the four Inns of Court—which showed no inclination to transfer them—could improve the situation which Mr. Nicholas was attacking. That was Mr. Nicholas's only concrete proposal, and for the rest he wanted the Council to do various things which he thought it had not done, but which in fact it had been doing for years. The Council would, if the meeting desired, reconsider this part of the statement, but it could not alter what had actually happened. It would readily consider any concrete suggestion for improving or strengthening the Bar.

On a show of hands the meeting, by a substantial majority, referred this part of the statement back to the Council. It agreed to the adoption of the remainder.

DEFENCE OF NUREMBERG PRISONERS

The meeting then debated at length the question upon which the greater part of its interest was concentrated, the pronouncement by the Bar Council that it was undesirable that members of the English Bar should defend any of the persons accused of war crimes before the Nuremberg Tribunal. Two motions, one by Mr. Cecil Binney and the other by Mr. W. Harvey Moore, were taken together, their substance being that the meeting disapproved of the Council's action as contrary to fairness and natural justice, interfering with the freedom of the advocate, and influenced by political considerations. Mr. BINNEY referred at the outset to the wording of the instrument by which the four Great Powers had set up the Nuremberg Tribunal. The English text lays down that an accused person may be represented by a counsel qualified to practise before " the courts of his own country." Mr. Binney maintained that this meant legally-qualified persons of any nation. The ATTORNEY-GENERAL intervened to say that the meaning of those words was a matter for argument, but the Great Powers had certainly not said that the defendants were entitled to be represented by the nationals of any country. The tribunal had nothing to do with the rule; it had been drawn up by the Powers.

Mr. BINNEY declared that it would be an advantage, in a court presided over by an English judge, with a prosecution conducted by English barristers, for a defendant to be defended by English counsel. The resolution struck at the whole tradition of the Bar and of British justice, which laid down that any person was entitled to be represented by counsel, no matter what the charge.

Mr. HARVEY MOORE said that everyone whom he had consulted agreed that the words " his own country " must refer to counsel and not to a defendant. In an international court, with international prosecutors, the defenders ought to be international. The Bar Council had given the appearance of interfering in the administration of British justice.

Two speakers objected to the word " undesirable " as vague, and maintained that the Council ought to have issued a prohibition or nothing.

SERJEANT A. M. SULLIVAN, K.C., considered that the Council's decision abandoned the tradition of the impersonality and independence of counsel. The desirability of counsel appearing in any case depended on the character of the tribunal. If this tribunal was worthy of the assistance of the English Bar in the prosecution, it was worthy of their assistance in the defence. He considered that the Council's opinion was a regrettable slur on the tribunal.

Mr. A. W. L. FRANKLIN complained that the Bar Council and all the speakers in its favour had assumed that the Nuremberg prisoners were guilty. It was for the Attorney-General and his team to prove their guilt, and it was the duty of any barrister who was asked to defend them to do so to the best of his ability. The speeches made in favour of the Council would have been magnificent arguments against holding a Nuremberg trial at all.

Mr. G. A. GARDINER declared that the Bar Council ought to have ascertained the opinion of the general body of the Bar beforehand.

Mr. HENRY WILLINK, K.C., said he had been one of about eighteen King's Counsel with whom the Attorney-General had discussed this question before the Council had given its opinion. All these leaders had agreed that the appearance of English barristers for the defence would be undesirable—undesirable, he understood, in the general and public interest. Nothing could have been more undesirable than the grave international complications which such an action would cause with the Allied countries who had suffered so severely from the actions of the men in the dock. The Council's opinion was not compulsive, and any English barrister could act as he believed to be right. He scoffed at an interjection by Mr. Binney asking for the names of the persons present at this " secret " meeting, and asked whether a group of King's Counsel could not meet to discuss a matter of public importance.

Mr. D. N. PRITT, K.C., emphatically supported the Council, and SIR DONALD SOMERVELL, K.C., could not understand how an English barrister could associate himself with the defence against an indictment for acts which had led up to the position in which we had declared war on Germany, a war in which thousands of our fellow-countrymen had died. The Council had no power to impose a veto, and in giving a lead on this question and expressing an opinion it had done no more than its duty.

Mr. GILBERT PAULL, K.C., one of the leaders who had discussed the matter with the Attorney-General, agreed that a barrister defending one of the accused at Nuremberg would as part of his duty have to maintain that England had made the war. In the case of William Joyce, the Bar had been under the duty of acting for the defence, for they had the sole right of audience before the court. No barrister had a duty to go to Nuremberg, and the only reason for doing so would be to make money.

Sir PATRICK HASTINGS, K.C., denied that there was anything political about the Council's opinion. It existed to give a lead in matters of opinion. He had been one of the meeting of leaders. At the request of an interrupter, he mentioned the names of Mr. Beyfus, Mr. Paull and Mr. Willink as among those present, and said that the others had all been well known to him and were a good sample of the leaders of the Bar. The independence of the Bar was to act independently but honourably and in such a way that the public would respect the profession. To talk about the independence of the Bar to the man in the street as a justification for defending one of the Nuremberg prisoners would be rubbish. Did the critics suppose, he asked, that Edward Carson or Rufus Isaacs would have done such a thing for any fortune in the world?

Mr. GILBERT BEYFUS, K.C., pointed out that on the Continent the position of a King's Counsel was generally rated as much higher than it really was. No European, and certainly no Russian, could ever be persuaded that a King's Counsel was not intimately connected with the Crown and Government of this country. If a leader appeared for the defence at Nuremberg, he would have been bound to say that since 3rd September, 1939, two aggressive campaigns had been planned and carried out successfully, and that the men who had carried out those campaigns had appointed the judges of the tribunal. The British Government would be shown to be not only taking part in the prosecution but also to be privy to a great deal of the defence.

The Attorney-General reminded the meeting that the Nuremberg tribunal was not a British court, and that Lord Justice Lawrence and Mr. Justice Birkett took part in it not as British judges, but as representatives of the British Government. The prosecuting team were likewise representatives of their governments and only fortuitously members of the Bars of their countries. The question of an English barrister appearing for the defence had arisen in only one case, and then only by an indirect approach made, without the knowledge of the prisoner concerned, to one English barrister by a friend of the prisoner in England. The Attorney-General had been asked to advise that barrister on what answer he should give if he were offered a brief. Feeling himself out of touch with professional opinion after six years of war service, he had invited about a score of the leading English silks to discuss the matter with him. Some of them had not been able to come and had written to him; most of them had attended, and their unanimous opinion was precisely what the Council had published as its own. He was satisfied that the German team appointed to defend the prisoners was adequate. It was a representative cross-section of the German Bar, comparable with a similar cross-section of the English Bar. He had no doubt at all, from his contacts with ordinary people in public places, that the man in the street completely agreed with the Bar Council. Nothing would lower the standing of the English Bar in the eyes of the English people more than that barristers should prostitute themselves by going to Nuremberg and seeking to make the worse appear the better cause.

The motions were lost.

The Council agreed to act on a motion of which notice had been given by Mr. J. P. Eddy, K.C., to consider abolishing the rule obliging a barrister briefed on a circuit not his own to receive a special fee. The meeting carried a motion by Mr. Clive M. Schmitthoff that the Bar should be represented on committees or bodies charged with the preparation or administration of a scheme of legal aid.

The meeting was adjourned until Friday, 25th January, at 4.15 p.m., also in the Old Hall, Lincoln's Inn, to consider three other motions for which time was now not sufficient. These will deal with the revision of the constitution of the Bar Council, the establishment of a contributory pensions insurance scheme for the Bar, and the right of citizens to representation by counsel in all courts and judicial tribunals.

NOTES AND NEWS

Honours and Appointments

The King has been pleased to approve that LORD UTHWATT be sworn of his Majesty's most Honourable Privy Council upon his appointment as a Lord of Appeal in Ordinary.

The King has approved that the honour of knighthood be conferred upon Mr. RONALD FRANCIS ROXBURGH, K.C., on his appointment as a Justice of His Majesty's High Court of Justice.

Mr. E. C. BARLOW, solicitor, of Wallasey, Cheshire, has been appointed Assistant Solicitor to the Isle of Ely County Council. He was admitted in 1941, and was previously Assistant Solicitor for the county borough of Wallasey.

Mr. WALTER HILL GRAHAM, Secretary of the British China Clay Producers' Federation, Ltd., was awarded the M.B.E. in the recent New Year Honours List. He is a brother of Judge William Murray Graham, Egyptian Mixed Court of Appeal, who was awarded the C.B.E. in the same list. Mr. W. H. Graham was admitted in 1904. He has been Clerk to the Magistrates of the Tywardreath Division of Cornwall since 1909, Secretary of the China Clay Producers' Federation since 1936, and is a past-president of the Cornwall Law Society.

Notes

The Lord Chancellor intends to make recommendations for a new list of Silks. Applications should be sent in before the 15th March next.

Mr. E. L. Wyatt, who claimed to be the oldest solicitor's managing clerk in Britain, died at Bishopsworth, Bristol recently, aged ninety-seven. He had been in the employ of a Bristol firm of solicitors for eighty-one years. He was at his office up to the Sunday before his death.

The Minister of Health, Mr. Aneurin Bevan, has made an Order under s. 2 of the Water Act, 1945, dealing with the constitution of the new statutory Central Advisory Water Committee, which will be set up in due course. The Order follows the lines of that for the Central Housing Advisory Committee, by providing that the Minister himself shall be in the chair and the Parliamentary Secretary will be the vice-chairman. The Committee will have twenty other members, and, like the previous non-statutory committee under the chairmanship of Lord Milne, will represent all the interests concerned with water supply matters. Members will be appointed for four years, with 50 per cent. retirement every two years.

THE SOLICITORS' MANAGING CLERKS' ASSOCIATION

The refresher course of lectures for members of the association and other managing clerks returning from service in H.M. Forces will deal with conveyancing (including mortgages, trusts and land registration procedure), litigation (including King's Bench, Chancery and Divorce practice), probate and administration and costs. They will be given by members of the council.

Each lecture, lasting about forty minutes and followed by twenty minutes for questions and discussion, will be given at 6.15 p.m. in the Lord Chief Justice's Court at the Royal Courts of Justice, Strand, London, W.C.2. The first lecture will take place on Tuesday, 12th February.

A syllabus and time table for the lectures will be available in the course of a few days, and will also be posted to those applying for tickets.

The lectures are free to members, but a charge of 5s. will be made to non-members.

SIDNEY J. FOGDEN,
Hon. Secretary.

Maltravers House,
Arundel Street, Strand, W.C.2.

RECENT LEGISLATION

STATUTORY RULES AND ORDERS, 1945

No. 15. **Children and Young Persons** (Contributions by Local Authorities) Regulations. Jan. 7.

No. 74. **Education, Scotland.** Education Authorities (Scotland) Grant Regulations, 1945. Jan. 4.

No. 18. **Finance.** Direction, Jan. 10, relating to Residents in China.

No. 19. **Local Elections** (Supplementary Provisions) Order. Jan. 8.

No. 1698. **National Health Insurance.** (Approved Societies) Amendment Regulations (No. 2) Dec. 17.

No. 1695. National Health Insurance (Deposit Contributors) Amendment Regulations. Dec. 17.

No. 1696. National Health Insurance (Juvenile Deposit Contributors) Amendment Regulations. Dec. 17.

No. 27. **Public Health, England.** Notification of Endemic Disease. Kensington (Acute Rheumatism) Regulations. Jan. 9.

No. 17. **Regulation of Payments** (China) Order. Jan. 9.

E.P. 11. **Trading with the Enemy** (Enemy Territory Cessation) (China) Order. Jan. 9.

No. 28. **Water, England.** Central Advisory Water Committee Order. Jan. 9.

[Any of the above may be obtained from the Publishing Department, S.L.S.S., Ltd., 88/90, Chancery Lane, London, W.C.2]

COURT PAPERS

SUPREME COURT OF JUDICATURE

HILARY SITTINGS, 1946

COURT OF APPEAL AND HIGH COURT OF JUSTICE—CHANCERY DIVISION

ROTA OF REGISTRARS IN ATTENDANCE ON

Date.	Emergency Rota.	Appeal Court I.	Mr. Justice Uthwatt.
Mon., Jan. 28	Mr. Farr	Mr. Reader	Mr. Hay
Tues., ,, 29	Blaker	Hay	Farr
Wed., ,, 30	Andrews	Farr	Blaker
Thurs., ,, 31	Jones	Blaker	Andrews
Fri., Feb. 1	Reader	Andrews	Jones
Sat., ,, 2	Hay	Jones	Reader

	Group A.		Group B.	
Date.	Mr. Justice Cohen. *Witness.*	Mr. Justice Vaisey. *Non-Witness.*	Mr. Justice Evershed. *Non-Witness.*	Mr. Justice Romer. *Witness.*
Mon. Jan. 28	Mr. Andrews	Mr. Jones	Mr. Blaker	Mr. Farr
Tues., ,, 29	Jones	Reader	Andrews	Blaker
Wed., ,, 30	Reader	Hay	Jones	Andrews
Thurs., ,, 31	Hay	Farr	Reader	Jones
Fri., Feb. 1	Farr	Blaker	Hay	Reader
Sat., ,, 2	Blaker	Andrews	Farr	Hay

STOCK EXCHANGE PRICES OF CERTAIN TRUSTEE SECURITIES

Bank Rate (26th October, 1939) 2%

	Div. Months	Middle Price Jan. 21 1946	Flat Interest Yield £ s. d.	‡ Approximate Yield with redemption £ s. d.
British Government Securities				
Consols 4% 1957 or after	FA	110⅛	3 12 5	2 17 6
Consols 2½%	JAJO	92¾	2 13 11	—
War Loan 3% 1955–59	AO	103¾	2 17 10	2 10 7
War Loan 3½% 1952 or after	JD	104⅝	3 6 11	2 15 3
Funding 4% Loan 1960–90	MN	114½	3 9 10	2 14 10
Funding 3% Loan 1959–69	AO	103¼	2 18 1	2 14 1
Funding 2½% Loan 1952–57	JD	102	2 13 11	2 8 3
Funding 2½% Loan 1956–61	AO	100	2 10 0	2 10 0
Victory 4% Loan Av. life 18 years	MS	115¼	3 9 5	2 18 0
Conversion 3½% Loan 1961 or after	AO	108⅛	3 4 6	2 15 11
National Defence Loan 3% 1954–58	JJ	103½	2 18 1	2 10 11
National War Bonds 2½% 1952–54	MS	101¾	2 9 1	2 4 6
Savings Bonds 3% 1955–65	FA	102¼	2 18 8	2 14 10
Savings Bonds 3% 1960–70	MS	103	2 18 3	2 15 0
Local Loans 3% Stock	JAJO	98¾	3 0 9	—
Bank Stock	AO	406½	2 19 0	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	99	3 0 7	—
Guaranteed 2¾% Stock (Irish Land Act 1903)	JJ	97½	2 16 5	—
Redemption 3% 1986–96	AO	104¼	2 17 6	2 16 6
Sudan 4½% 1939–73 Av. life 16 years	FA	116	3 17 7	3 4 1
Sudan 4% 1974 Red. in part after 1950	MN	110	3 12 9	1 17 0
Tanganyika 4% Guaranteed 1951–71	FA	105	3 16 2	2 18 2
Lon. Elec. T.F. Corp. 2½% 1950–55	FA	97½	2 11 3	2 16 1
Colonial Securities				
*Australia (Commonw'h) 4% 1955–70	JJ	107	3 14 9	3 3 5
Australia (Commonw'h) 3½% 1964–74	JJ	103	3 3 1	3 0 7
Australia (Commonw'h) 3% 1955–58	AO	101	2 19 5	2 17 8
†Nigeria 4% 1963	AO	115	3 9 7	2 18 4
*Queensland 3½% 1950–70	JJ	102	3 8 8	2 19 4
Southern Rhodesia 3½% 1961–66	JJ	106	3 6 0	3 0 0
Trinidad 3% 1965–70	AO	101	2 19 5	2 18 7
Corporation Stocks				
*Birmingham 3% 1947 or after	JJ	98	3 1 3	—
*Croydon 3% 1940–60	AO	101	2 19 5	—
*Leeds 3½% 1958–62	JJ	103	3 3 1	2 19 0
*Liverpool 3% 1954–64	MN	101	2 19 5	2 17 4
Liverpool 3½% Red'mable by agreement with holders or by purchase	JAJO	106	3 6 0	—
London County 3% Con. Stock after 1920 at option of Corporation	MSJD	99	3 0 7	—
*London County 3½% 1954–59	FA	104½	3 7 0	2 17 10
Manchester 3% 1941 or after	FA	98	3 1 3	—
*Manchester 3% 1958–63	AO	102	2 18 10	2 16 4
Met. Water Board 3% "A" 1963–2003	AO	99	3 0 7	3 1 0
*Do. do. 3% "B" 1934–2003	MS	100	3 0 0	3 0 0
*Do. do. 3% "E" 1953–73	JJ	100	3 0 0	3 0 0
Middlesex C.C. 3% 1961–66	MS	101⅛	2 19 1	2 17 6
*Newcastle 3% Consolidated 1957	MS	101	2 19 5	2 18 0
Nottingham 3% Irredeemable	MN	98	3 1 3	—
Sheffield Corporation 3½% 1968	JJ	108	3 4 10	3 0 0
Railway Debenture and Preference Stocks				
Gt. Western Rly. 4% Debenture	JJ	111	3 12 1	—
Gt. Western Rly. 4½% Debenture	JJ	114	3 18 11	—
Gt. Western Rly. 5% Debenture	JJ	126	3 19 4	—
Gt. Western Rly. 5% Rent Charge	FA	124½	4 0 4	—
Gt. Western Rly. 5% Cons. G'rteed.	MA	119½	4 3 8	—
Gt. Western Rly. 5% Preference	MA	114½	4 7 4	—

* Not available to Trustees over par.

† Not available to Trustees over 115.

‡ In the case of Stocks at a premium, the yield with redemption has been calculated at the earliest date; in the case of other Stocks, as at the latest date.

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